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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA**

Valentino Dimitrov, individually, and on  
behalf of all others similarly situated;

Plaintiffs,

vs.

Stavatti Aerospace, Ltd, a Minnesota  
corporation; Stavatti Aerospace, Ltd, a  
Wyoming corporation; Stavatti Corporation,  
a Minnesota corporation; Stavatti  
Immobiliare, Ltd, a Wyoming corporation;  
Stavatti Industries, Ltd, a Wyoming  
corporation; Stavatti Niagara, Ltd, a New  
York corporation Stavatti Super Fulcrum,  
Ltd, a Wyoming corporation; Stavatti  
Ukraine, a Ukrainian business entity;  
Stavatti Heavy Industries Ltd, a Hawaii  
corporation; Christopher Beskar and Maja  
Beskar, husband and wife; John Simon and  
Jean Simon, husband and wife; William  
Mcewn and Patricia Mcewen, husband wife;  
Rudy Chacon and Jane Doe Chacon,  
husband and wife; and DOES 1 through 10,  
inclusive,

Defendants.

Case No.: 2:23-CV-00226-PHX-DJH

**PLAINTIFF'S FIRST MOTION TO  
EXTEND TIME FOR SERVICE OF  
PROCESS UPON DEFENDANTS  
STAVATTI AEROSPACE LTD,  
BRIAN COLVIN, CORRINA COLVIN,  
JEAN SIMON, MAJA BAKER, RUDY  
CHACON, AND JANE DOE CHACON**

**(Expedited Ruling Requested)**

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1 Plaintiff Valentino Dimitrov moves the Court pursuant to Fed R. Civ. R. 4(m) and  
2 LRCiv 7.3 to extend the time for service upon all Defendants that have yet to be served in  
3 this matter (namely, Defendants Stavatti Aerospace, Ltd., Brian Colvin, Corrina Colvin,  
4 Jean Simon, Maja Baker, Rudy Chacon, and Jane Doe Chacon) for 90 days, or until  
5 August 3, 2023.

6 The court must grant a motion to extend time for service if good cause exists for  
7 the extension. *See Lemoge v. U.S.*, 587 F.3d 1188, 1198 (9th Cir. 2009); *See also In re*  
8 *Sheehan*, 253 F.3d 507 (9th Cir. 2001); Fed R. Civ. R. 4(m). To show good cause, a  
9 plaintiff may be required to show that i) the party to be served received actual notice of  
10 the lawsuit, ii) the defendant would suffer no prejudice and iii) plaintiff would be severely  
11 prejudiced if his complaint were dismissed. *See Boudette v. Barnette*, 923 F.2d 754, 756  
12 (9th Cir. 1991). Evading service constitutes good cause for extending service purposes.  
13 *See In re Waldner*, 183 B. R. 879 (Bankr. App. 9th Cir. 1995).

14 Good cause exists to extend time for service for 90 days, or until August 3, 2023,  
15 as all the *Boudette* factors are met. Additionally, the defendants are evading service which  
16 alone constitutes the good cause needed to grant this Motion. Here, Defendants  
17 undoubtedly received actual notice of the lawsuit. Some of the unserved Defendants in  
18 this matter have reached out to Plaintiff's counsel asking that they be dismissed from the  
19 lawsuit – they have not offered to file an answer. Additionally, Plaintiff's counsel has been  
20 contacted by unengaged counsel for the Defendants. Additionally, the Notice of Service  
21 of Process filed with the court on March 28, 2023, shows that many of the Defendants in  
22 this matter have been properly served. (Doc. 7). As all defendants in this matter are closely  
23 associated to the Defendants that have been served in this matter and due to the fact that  
24 some of them have reached out to Plaintiff's counsel to discuss this case, shows it is clear  
25 that the unserved Defendants have actual notice of this lawsuit. Ergo, the first *Boudette*  
26

THEREFORE, for the reasons stated herein, Plaintiff respectfully requests this motion be granted and the deadline for service of process be extended for 90 days, or until August 3, 2023.

**ENARA LAW, PLLC**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of May 2023, copy of the foregoing was transmitted electronically to the CM/ECF filing system for filing and transmittal along with copies transmitted to all parties and counsel of record via the CM/ECF system.

By: Shelly N. Witgen, ACP